

LAW OFFICE OF TODD D. LERAS  
Todd D. Leras, CA SBN 145666  
455 Capitol Mall, Suite 802  
Sacramento, California 95814  
(916) 504-3933  
[toddleras@gmail.com](mailto:toddleras@gmail.com)  
Attorney for Defendant  
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
NEHEMIAH AVILA, CEASAR MARTINEZ,  
and RICARDO MARMOLEJO,  
  
Defendants.

Case No.: 2:21-cr-020 JAM

STIPULATION AND ORDER  
CONTINUING STATUS CONFERENCE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

Date: February 14, 2023  
Time: 9:00 a.m.  
Court: Hon. John A. Mendez

Plaintiff United States of America by and through Assistant United States Attorney  
Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney  
Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of  
Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is set for a status conference on February 14, 2023. Defendants move to  
continue the status conference to June 27, 2023, at 9:00 a.m.

ORDER CONTINUING STATUS  
CONFERENCE

2. This matter had previously been assigned to United States District Judge Troy L. Nunley. On August 25, 2022, Chief Judge Kimberly J. Mueller reassigned this matter for all further proceedings to United States District Judge Dale A. Drozd. (ECF Document 62). On November 3, 2022, the Clerk's Office issued a "Notice of Correction" indicating that reassignment to Judge Drozd occurred in "ERROR." (ECF Entry 67). The Notice of Correction vacated the previous reassignment to Judge Drozd, transferring the matter to this Court "for all further proceedings."
3. This case involves an ongoing task force investigation into a drug trafficking organization. The task force includes officers and agents from, among other agencies, the Sacramento Police Department, Federal Bureau of Investigation, and the Drug Enforcement Administration (hereafter collectively referred to as "the task force"). The initial portion of the investigation, which resulted in the arrests of Defendants Avila, Martinez, and Marmolejo, used two rounds of court-authorized wiretaps.
4. The task force's investigative techniques included the use of wiretaps on five different telephones and other legal process on at least thirteen target telephones. Investigation into these sources of supply is continuing, so a portion of the investigative techniques and operations utilized to undertake it has remained under seal to prevent notification of potential targets and the destruction of evidence. The original prosecutor assigned to oversee the investigation departed the United States Attorney's Office. Assistant U.S. Attorney Adrian Kinsella took over prosecution of this matter and the simultaneous obligation to oversee the continuing investigation.

1 Assistant U.S. Attorney Kinsella provided an initial round of discovery to defense  
2 counsel, which included reports of investigation, relevant wiretap authorization  
3 applications, and over 3,500 intercepted telephone calls, up to and including Target  
4 Telephone #5.  
5

- 6 5. On November 17, 2022, the government provided defense counsel with a  
7 supplemental discovery production. This production consists of slightly more than  
8 1,400 pages of materials. These materials include, among other items, reports  
9 regarding controlled purchase operations, reports detailing execution of search  
10 warrants at numerous locations relevant to the investigation, police reports regarding  
11 individuals and criminal activity tangential to the primary targets of the investigation,  
12 and lab results for suspected controlled substances obtained or seized during the  
13 investigation.  
14
- 15 6. All defense counsel require additional time to continue review of these supplemental  
16 materials with their respective clients and to conduct defense investigation stemming  
17 from them.  
18
- 19 7. Defendants Avila and Martinez are in pre-trial detention at the Sacramento County  
20 Main Jail. Defense counsel for all three defendants are engaged in continuing  
21 discovery review and defense investigation as to the charged offenses and potential  
22 mitigation evidence in the event of a negotiated disposition.  
23
- 24 8. Given the continuing defense review of the supplemental discovery materials and  
25 investigation of matters related to them, Defendants Avila, Martinez, and Marmolejo  
26 request to continue the status conference to June 27, 2023. They further move to  
27

28 ORDER CONTINUING STATUS  
CONFERENCE

1 exclude time between February 14, 2023 and June 27, 2023, inclusive, under Local  
2 Code T-4. The government does not oppose the request.

3 9. All defense counsel represent and believe that failure to grant additional time as  
4 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable  
5 time necessary for effective preparation, considering the exercise of due diligence.  
6

7 10. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request  
8 that the Court find that the ends of justice served by continuing the case as requested  
9 outweigh the best interest of the public and the Defendants in a trial within the time  
10 prescribed by the Speedy Trial Act.  
11

12 11. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*  
13 *seq.*, within which trial must commence, the time period of February 14, 2023 to June  
14 27, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and  
15 (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court  
16 at Defendants' request on the basis that the ends of justice served by taking such  
17 action outweigh the best interest of the public and the Defendants in a speedy trial.  
18

19 12. Nothing in this stipulation and order shall preclude a finding that other provisions of  
20 the Speedy Trial Act dictate that additional time periods are excludable from the  
21 period within which a trial must commence.  
22

23 Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant  
24 Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have  
25 reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on  
26 behalf of their respective clients.  
27

28 ORDER CONTINUING STATUS  
CONFERENCE

1 DATED: February 8, 2023

PHILLIP A. TALBERT  
United States Attorney

2  
3 By /s/ Todd D. Leras for  
ADRIAN T. KINSELLA  
Assistant United States Attorney

4  
5 DATED: February 7, 2023

6 By /s/ Todd D. Leras  
TODD D. LERAS  
Attorney for Defendant  
NEHEMIAH AVILA

7  
8 DATED: February 7, 2023

9 By /s/ Todd D. Leras for  
MICHAEL D. LONG,  
Attorney for Defendant  
CEASAR MARTINEZ

10  
11  
12 DATED: February 8, 2023

13 By /s/ Todd D. Leras for  
DINA SANTOS  
Attorney for Defendant  
RICARDO MARMOLEJO

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 ORDER CONTINUING STATUS  
CONFERENCE

**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for February 14, 2023, is vacated. A new status conference is scheduled for June 27, 2023, at 9:00 a.m. The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from February 14, 2023, up to and including June 27, 2023.

IT IS SO ORDERED.

Dated: February 8, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS  
CONFERENCE